

UNITED STATES DISTRICT COURT
for the

Western District of North Carolina

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

DENIED. GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 60 months is reduced to 49 months (Ct. One).

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 33 Amended Offense Level: 31
Criminal History Category: III Criminal History Category: III
Previous Guideline Range: 168 to 210 months Amended Guideline Range: 135 to 168 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- Other (explain): _____

III. ADDITIONAL COMMENTS

**The defendant is also serving a consecutive sentence in Count Two on a conviction of 18 § U.S.C. 924(c).

Except as provided above, all provisions of the judgment dated 09/27/2000 shall remain in effect.

IT IS SO ORDERED

Order Date: September 2, 2008

Effective Date: _____
(if different from order date)

Graham C. Bushell

Graham C. Mullen
United States District Judge

